

CARI K. DAWSON (GA SBN 213490)
Email: cari.dawson@alston.com
ALSTON + BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 881-7766
Facsimile: (404) 253-8567

LISA GILFORD (CA SBN 171641)
Email: lisa.gilford@alston.com
ALSTON + BIRD LLP
333 South Hope Street, Sixteenth Floor
Los Angeles, California 90071
Telephone: (213) 576-1000
Facsimile: (213) 576-1100

Lead Defense Counsel for Economic Loss Cases

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**IN RE: TOYOTA MOTOR CORP.
UNINTENDED ACCELERATION
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION**

This document relates to:

ALL CASES

Case No. 8:10ML02151 JVS (FMOx)

**DECLARATION OF LISA GILFORD
IN SUPPORT OF TOYOTA'S
MOTION TO DISMISS AND
MOTION TO STRIKE PLAINTIFFS'
ECONOMIC LOSS MASTER
CONSOLIDATED COMPLAINT**

[Filed concurrently with Memorandum of Points and Authorities; Motion to Dismiss; Motion to Strike; Request for Judicial Notice; Appendix of Non-Federal and Out-of-State Authorities; and [Proposed] Orders]

Date: November 19, 2010
Time: 9:00 a.m.
Courtroom: 10C

Economic Loss Master Consolidated
Complaint filed August 2, 2010

DECLARATION OF LISA GILFORD

2 || I, Lisa Gilford, declare as follows:

3 1. I am a partner with Alston & Bird, LLP, counsel of record for
4 Toyota in this MDL proceeding. I am duly admitted to practice before this Court. I
5 make this declaration in support of Toyota's Motion to Dismiss and Motion to Strike
6 Plaintiffs' Consolidated Economic Loss Complaint ("MCC"). The facts set forth
7 herein are true of my own personal knowledge. If called as a witness, I would testify
8 competently to the matters herein under oath.

9 2. Attached hereto as Exhibit A-1 through A-9 are true and correct
10 copies of nine charts prepared to assist the Court in identifying the categories of class
11 representative Plaintiffs named in the MCC and their respective claims.

12 3. Attached hereto as Exhibit B are true and correct copies of Camry,
13 Lexus, and Toyota warranty manuals for model years 2010, 2007, and 2002,
14 respectively, that are exemplary of Plaintiffs' warranties. Plaintiffs' warranties are
15 explicitly referenced in paragraphs 347, 363 of the MCC. (*See* MCC, ¶¶ 347, 363).

16 4. Attached hereto as Exhibit C is a true and correct copy of an
17 alleged CLRA notice letter dated November 24, 2009 sent on behalf of Eric Kmetz
18 and Joe Morris to Toyota Motor Sales, U.S.A., Inc. (TMS). Messrs. Kmetz and
19 Morris are plaintiffs in the action styled, *Kmetz and Morris v. Toyota Motor Sales,*
20 *U.S.A., Inc., et al.*, CV 09-8478 (C.D. Cal.) (“Kmetz action”). The Kmetz action was
21 filed on November 18, 2009, one week prior to the November 24th letter to TMS.
22 Additionally, neither Messrs. Kmez nor Morris are named Plaintiffs in the MCC. The
23 November 24, 2009 letter is explicitly referenced in paragraph 309 of the MCC. (See
24 MCC, ¶ 309).

25 5. Attached hereto as Exhibit D is a true and correct copy of an
26 alleged CLRA notice letter dated March 24, 2010 sent on behalf of Anita Jorge to
27 several entities, including Toyota Motor Corporation. Ms. Jorge is a plaintiff in the
28 action styled, *Jorge v. Toyota Motor N. Am., Inc., et al.*, 10-CV-00060 (E.D. Ky.)

(“Jorge Action”). The Jorge action was filed on March 24, 2010, the same date of the letter. Ms. Jorge is not a named Plaintiff in the MCC. The March 24, 2010 letter is explicitly referenced in paragraph 309 of the MCC. (*See* MCC, ¶ 309).

6. Attached hereto as Exhibit E is a true and correct copy of a letter dated June 4, 2010 from Plaintiffs' Lead Economic Loss Counsel, Steve W. Berman, Esq., to Toyota Motor Sales, U.S.A., Inc., purporting to give CLRA notification on behalf of consumer plaintiffs Elizabeth Van Zyl, Ebony Brown, Linda Summerville, Henry Troup, Veronica Troup, Gary Davis, John Flook, Donald Graham, Thomas E. Gudmundson, Christine Hotaling, Rodney Josephson, Robert Navarro, E. Brandon Bowron, Michael Lackey, Terasita Ramos, Dana Clark Weller and Douglas W. Weller. The June 4, 2010 letter is explicitly referenced in paragraph 309 of the MCC. (See MCC, ¶ 309).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 13, 2010, at Los Angeles, California.

/s/ Lisa Gilford

LISA GILFORD